

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE SERENGETI TRADING COMPANY, L.P.,

Plaintiff,

-against-

EMPIRE COFFEE COMPANY, INC,

Defendant.

ORDER

24-CV-05544 (PMH)

PHILIP M. HALPERN, United States District Judge:

On December 11, 2024, Plaintiff filed a proposed order to show cause for a default judgment as well as the supporting documentation required by Local Civil Rule 55.2 and Rule 4(B) of the Court’s Individual Practices. (Docs. 30, 31). On December 12, 2024, the Court issued an order to show cause for default judgment returnable on January 27, 2025. (Doc. 32). The Court also directed Plaintiff to serve a copy of this Order, “and the documents upon which it is based,” upon the Corporate Defendant Empire Coffee Company, Inc. (*Id.*).

Plaintiff filed proof of service on January 1, 2025. (Doc. 26). Plaintiff’s affirmation of service, however, does not indicate whether Plaintiff served “the documents upon which [the Order to Show Cause] is based.” (Doc. 32). Accordingly, by February 7, 2025, Plaintiff shall file an amended affirmation of service in compliance with the Court’s December 12, 2024 Order. Alternatively, if Plaintiff did not serve upon Defendant the documents upon which the Order to Show Cause is based, Plaintiff shall, by February 7, 2025, serve copies of the Court’s Order to Show Cause (Doc. 32), the Affidavit of Jeff Whitmire dated November 26, 2024 (Doc. 31-1), the affirmation of Mark R. Kook dated December 9, 2024 (Doc. 30-1) and attached exhibits thereto (Doc. 30-2; Doc. 30-3; Doc. 30-4), Plaintiff’s Proposed Default Judgment (Doc. 30-5), and a copy of this Order upon the Corporate Defendant Empire Coffee Company, Inc, by Federal Express at its last known address and by serving copies of the foregoing upon Defendant Empire Coffee Company, Inc by way of the Office of the Secretary of State of the State of New York; and file proof of service thereof.

In the event new service is required upon Defendant, the time to oppose Plaintiff's default motion is extended, *nunc pro tunc*, until March 7, 2025. In the event no new service is required, Defendant's time to oppose Plaintiff's motion has expired and is not being extended.

SO ORDERED.

Dated: White Plains, New York
January 31, 2025

A handwritten signature in black ink, appearing to read 'PHM', is written above a horizontal line.

PHILIP M. HALPERN
United States District Judge